

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division
In Admiralty**

In the Matter of COEYMANS MARINE TOWING, LLC D/B/A CARVER MARINE TOWING as Owner and Operator of M/V Mackenzie Rose, (IMO No. 8968765) her cargo, engines, boilers, tackle, equipment, apparel, and appurtenances, etc., *in rem*, (“M/T MACKENZIE ROSE”), petitioning for Exoneration from or Limitation of Liability in allision with Belt Line Main Line Railroad Bridge (the “Bridge”) occurring June 15, 2024 in and about the Elizabeth River, Virginia.

Civil Action No: 2:24-cv-00490

**PETITIONER’S MOTION TO EXCLUDE TESTIMONY AND OPINIONS OF
CAPTAIN NICHOLAS J. LEWIS**

Petitioner, Coeymans Marine Towing, LLC d/b/a Carver Marine Towing (“Petitioner”), respectfully moves pursuant to Rules 702, 703 and 705 of the Federal Rules of Evidence, Local Rule 7, and *Daubert* to exclude certain testimony and opinions of the Claimants’ Rule 26(a)(2)(B) witness, Captain Nicholas J. Lewis, from evidence in this matter.

For the reasons set forth in the accompanying Brief in Support, Petitioner respectfully requests the Court grant its Motion to Exclude Testimony and Opinions of Captain Nicholas J. Lewis and enter an Order barring Claimants from eliciting or offering Captain Nicholas J. Lewis’s Opinions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 and testimony relating to the same into evidence at any stage of this litigation, and for all other relief in favor of Petitioner as the Court deems just and proper.

Respectfully submitted,

Dated: August 29, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2025, a true and correct copy of the foregoing document was filed using the Court's CM/ECF system, which will serve all counsel of record by electronic mail as follows:

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